

The Zoning Board of the Village of Winnebago met at 7:00 p.m. with Chairman Charles Van Sickle presiding.

ROLL CALL

COOK - EMMERT - KONING – MEDEARIS – VAN SICKLE: present

EUBANK: absent

Guests: Attorney Mary Gaziano, Alta Straley, Steve Straley, Nathan Allen, and Lori Schultz

There was no disclosure of any conflict of interest. There was no public comment.

A motion was made by Randy Cook, seconded by Bill Emmert to approve the Public Hearing and Zoning Board Minutes from February 24, 2014, with the following correction made to the Zoning Board Minutes; page one (1), third paragraph, first sentence, 416 West Cunningham Road should be 216 West Cunningham Road. The motion was carried on a voice vote of those present.

CHAIRMAN Van Sickle stated that the Zoning Board members received a special use permit request from Alta Straley, the owner of 202 N. Pecatonica Street, to use the property as a trucking business.

Mrs. Straley addressed the Board stating that there have been no complaints from neighbors and no problems concerning the business being run at 202 N. Pecatonica Street. She introduced Nathan Allen, proprietor of the trucking business and informed the Board that he is in attendance to answer any questions they may have about his business. CHAIRMAN Van Sickle informed Mrs. Straley that Mr. Allen is a tenant and as the property owner she is in violation of the Zoning ordinance, not Mr. Allen.

CHAIRMAN Van Sickle stated that in 1999 Mr. and Mrs. Dale Straley requested a zoning change for the property from District 1 – One Family Residential to District 5 Light Industrial for the purpose of running a business inside the building. CHAIRMAN Van Sickle informed Mrs. Straley that District 5 does not allow for sight, noise, or smell created by a business outside of the building as it was designed to blend into a residential neighborhood, where the property is situated.

Mr. Emmert asked what business is currently being done inside the building, is it being used as a warehouse? Mr. Straley answered that Mr. Allen is currently servicing trucks inside the building and not using it for storage. Mr. Allen stated that he currently owns three (3) trucks that he services and maintains. Mr. Emmert asked if the operations taking place in the building can be heard from the outside. Mr. Allen answered that if someone in the vicinity was paying attention operations could be heard outside the building. CHAIRMAN Van Sickle asked Mr. Allen if any of his trucks or trailers are left outside overnight. Mr. Allen answered that he can fit three (3) trucks and three (3) trailers in the building but he has a fourth (4th) trailer that is outside that he can make arrangements to

move. Attorney Gaziano asked Mr. Allen how long the trailer stays outside. Mr. Allen answered that it could be a day or it could be a month.

CHAIRMAN Van Sickle stated that the topic of this evening's meeting is a special use permit, the building is not currently being used as a permitted use for District 5 and District 5 does not allow granting of a special use permit. Mr. Emmert added that this Board is bound by the ordinance and does not have the authority to grant special use. He stated that Mrs. Straley needs to read the ordinance and operate a business in the building that conforms to the permitted uses. He advised Mrs. Straley to seek the advice of an attorney or address the Village Board to request a Zoning ordinance change. CHAIRMAN Van Sickle stated that a truck transport business would be allowed in another District in the ordinance.

Mrs. Straley asked if they are not operating a business in the building how do they proceed. Mr. Emmert asked Mrs. Straley if she had been cited for the Zoning ordinance violation. Attorney Gaziano answered that Mrs. Straley received a code violation letter from Casper Manheim, Village Code Enforcement Officer. CHAIRMAN Van Sickle advised Mrs. Straley to contact Casper Manheim or Village President, Frank Eubank regarding how to proceed.

Mrs. Straley stated she will review the ordinance and contact President Eubank.

There being no further business to present, upon motion by Irv Koning, seconded by Dick Medearis, and passed unanimously, the meeting was adjourned at 7:45 p.m.

Charles Van Sickle, Chairman